

FY2019 Superfund Division Operating Plan

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I. Executive Summary

The Superfund Division's primary goals are to 1) clean up contaminated sites, protect human health and ecosystems, restore these sites to their full potential, and 2) prevent, plan for, and respond to releases. From high profile National Priorities List (NPL) cleanups and seasonal natural disaster responses to everyday community involvement and planned risk management inspections, our staff are working to prevent contamination, clean up hazardous contamination, and prepare and respond to emergencies. Our work implements the objectives of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), and Clean Air Act 112 (r). Our Division ensures compliance with these laws through our enforcement actions and chemical safety programs.

Key Superfund Division accomplishments planned for FY19 include:

- Complete Removal Site Evaluations (RSEs) and draft Engineering Evaluations/Cost Analysis (EE/CAs) as part of our ongoing efforts to address Navajo Nation sites contaminated by legacy uranium. This will include starting EE/CAs at the 34 Tronox mine sites (to be completed in FY20) and finalizing EE/CAs at Mariano Lake, the Ruby Mines, and Homestake. RSEs include: 34 Tronox sites, 32 Cyprus-Amax sites, 6 EnPro sites, 1 Wells-Cargo site, 13 Phase II sites, Section 32/33, 1 Babbitt Ranches site, and Skyline. This work includes finalizing RSE reports for the 46 priority mines completed in FY18.
- Complete the final Record of Decision (ROD) for McClellan Air Force Base (AFB). This very complex cleanup site has been an example of successful collaboration between EPA, the Air Force, State regulatory agencies, and a private developer, McClellan Business Park.
- Achieve "Sitewide Ready for Anticipated Use" (SWRAU) status at 2 Superfund sites as part of our emphasis on protecting human health. (Strategic Measure)
- Improve communities' quality of life by achieving "Ready for Anticipated Use" status at 55 Brownfields sites. (Strategic Measure)
- Prevent and address Lead Contamination by continuing evaluation of potential lead contamination threats and responding promptly through the utilization of signed action memoranda. (Regional Measure)

II. Revitalize Land and Prevent Contamination

Our removal and remedial cleanup work ensures communities are protected from exposure to contaminants, have safe drinking water and are informed and involved through the entire cleanup process. We work with communities and stakeholders to plan and implement activities that promote redevelopment and economic growth at our private, federal facility and Brownfields sites. Our work protects communities and prevents exposure to heavy metals contamination, hazardous vapor intrusion, radiation and protects precious water resources. The following Fiscal Year 2019 (FY19) actions in our Removal, Remedial, Site Assessment and Brownfields Programs support Objective 1.3 "Revitalize Land and Prevent Contamination" of EPA's FY2018-2022 Strategic Plan Framework.

Regionwide

- **Brownfields Ready for Anticipated Use (Strategic Measure):** We will work with other federal agencies, state and local governments, non-profits and private partners to improve communities' quality of life through economic investment. In FY19, we will complete 15 cleanups and 190 assessments. The FY19 target for Brownfields Ready for Anticipated Use is 55.
- **Superfund Sites Ready for Anticipated Use (SWRAU) (Strategic Measure):** One of the key benchmarks in the remedial process for a Superfund is achieving SWRAU status which means Construction Complete, Human Exposure is Under Control, Groundwater Mitigation is Under Control, and Institutional Controls are in place. With an emphasis on protecting human health we plan to complete 2 SWRAU sites in FY19.
- **Action Memoranda Addressing Lead Contamination (Regional Measure):** Responding to lead contamination that poses a threat to human or environmental health continues to be a top priority. We

anticipate having one signed action memorandum to address lead contamination in FY19. The number of removal actions initiated to address lead contamination is difficult to predict and is contingent on a finding of imminent and substantial endangerment determination.

- **Preventing Lead Exposure and Contamination:** We plan to evaluate soil lead contamination in West Oakland, including a pilot urban metals background study. We will inform the national policy discussion on protective lead screening and cleanup levels, including bioavailability data. We will work with state and local agencies to understand sources and risk factors, and coordinate response efforts.

Ex. 5 DP / Ex. 7(A)

California

Ex. 5 DP / Ex. 7(A)

- **Hunters Point:** The Hunters Point Radiation Reassessment continues with the initial re-sampling of Parcel G, and with California Department of Public Health completing the scanning of areas within Parcel A which are currently developed to assure residents that the property is safe. Superfund will continue to coordinate closely with the City, community, and elected officials.

Ex. 5 DP / Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

III. Strategic Approach to Enhancing Shared Accountability

As stated in the Administrator's Superfund Task Force Recommendations, making the Superfund process more efficient and promoting revitalization to gain long-term benefits for communities must include building stronger strategic partnerships with key stakeholders. We must deploy an assortment of partnership-building activities and engagement with our key stakeholders. Our oversight relationships with our federal, state, regional, and tribal partners are strengthened through joint planning, information sharing, and cleanup standards development. This strategy reduces conflict, enhances shared accountability, and results in effective and efficient oversight.

Our Brownfields Program awards Site Assessment, Cleanup, 128a and Multi-Site Cooperative Agreement (MSCA) grants to States and Tribes for preliminary assessments/site investigations, cleanups, and redevelopment of contaminated sites. We work closely with grantees to provide technical and grants compliance assistance. In conjunction with our Region's grants management office, staff review grant applications, and monitor and approve grant expenditures to ensure funds are utilized appropriately to meet overall grant program objectives. The following FY19 activities support Objective 2.2 "Enhancing Shared Accountability" of EPA's Strategic Plan Framework:

Regionwide

- **Mine Site Contingency Planning:** work with State Counterparts to monitor rainfall and the increased risk of overflow for all NPL sites
- **EPCRA (Emergency Planning and Community Right to Know Act) Planning Support:** collaborate with the State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) on a variety of hazardous chemical inventory and planning initiatives.

Arizona

- **ADEQ Collaboration:** conduct three meetings with Arizona Department of Environmental Quality (ADEQ) Superfund management on all our Superfund division work in AZ.

California

- **California Proposition 1 Funding:** collaborate with our state partners at Cal EPA as the state directs \$800 million in projects to support groundwater sustainability, cleanup and resiliency in the face of potential natural disaster. These projects are on or near 10 Southern California Superfund sites.
- **Quarterly meetings with the Department of Toxic Substances Control (DTSC) and Cal EPA.**
- **Mine NPL Site Contingency Planning:** update or establish contingency response plans for potential severe weather, fire encroachment and impacts, and mine-impacted water overflow scenarios at NPL mine sites.

Hawaii

- **Collaboration with State of Hawaii:** coordinate regularly with Hawaii Superfund managers on NPL site issues.
- **Dispersants Use Policy:** work with our Hawaii partners to continue revising policies regarding the use of dispersants to combat oil spills in the Hawaiian Island marine zone. We will complete our biological evaluation, part of an Endangered Species Act Section 7 consultation, on the impacts of dispersants on threatened and endangered species and critical habitat.

Navajo Nation

- **Navajo Nation Capacity Building:** support temporary assignment of EPA staff under the provisions of the Intergovernmental Personnel Act (IPA) to facilitate capacity building within Navajo Nation including the Navajo Nation EPA Superfund Program.
- **Navajo Nation Field Presence:** identify one or more locations to establish a field presence at existing federal office space on or near the Navajo Nation and deploy staff.

Nevada

- **Collaboration with State of Nevada:** conduct biennial meetings with Nevada management on Superfund sites. As part of this effort, we will continue to engage with tribal governments to ensure coordination on the Anaconda cleanup program.

Pacific Islands

- **Pacific Islands Coordination:** coordinate with Pacific Islands Office on Islands Environmental Directors meeting, and conduct regular updates with Guam EPA Administrator regarding Guam NPL sites and other issues (i.e., Agent Orange and per- or polyfluoroalkyl (PFAS) substances).

IV. Increasing Transparency and Public Participation

Throughout the remedial cleanup process, we ensure public participation opportunities by soliciting public comments on key documents, community involvement and update meetings, availability of site file records, and online site profile pages. Our community involvement teams are actively engaged in our communities ensuring awareness of risks, ways to minimize exposure, and addressing public stakeholder concerns. Our staff keep site records which are made available for public review, and maintain local repositories for each of our Superfund sites

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to ensure easy access to EPA decision and supporting documents. Draft Proposed Plans and decision documents are made available for public comment before feedback is considered and incorporated into later drafts.

The following actions are FY19 highlights of how we are supporting Objective 2.3 “Transparency and Public Participation” of EPA’s Strategic Plan Framework.

Regionwide

- **Site Profile Pages:** We will continue to train Remedial Project Managers (RPMs) to update individual site profile pages where the public can easily access and understand the cleanup status of contaminated sites. We will develop a plan to ensure site profile pages are updated on a regular schedule and provide clear, lay-reader oriented information. We will ensure all appropriate site documents, decision documents, and other information are available on the new site profile pages.
- **Superfund Records Management:** We will provide Records Management training to ensure the site files, decision documents, and other records are accurately maintained and promptly made publicly available for review and comment as required by regulation and EPA policy.

Navajo Nation

- **Navajo Nation Community Involvement:** We will conduct community workshops on Navajo Nation to educate residents about radiation and uranium exposure, and EPA cleanup efforts. We will complete draft Community Involvement Plans (CIP) for Tse Tah, Monument Valley, and Claim 28, and finalize the CIP addendum for the Bonita Peak Mining District.

V. Compliance with the Law

Our project managers and technical experts work directly with responsible parties to ensure compliance with CERCLA, the National Contingency Plan (NCP), and applicable state/local regulations. We provide regulatory and policy guidance, technical assistance, and feedback through the entire remedial process to ensure compliance with the law and protective cleanups.

Another fundamental tenet of CERCLA is that the party responsible for the contamination should pay for the cleanup. We have a successful program in our region, in collaboration with our Office of Regional Counsel, for enforcement and cost recovery in accordance with CERCLA. This process involves a search for responsible parties, case development, and record-keeping for all cleanup-related costs to ensure funds are recovered from responsible parties. These efforts have resulted in over \$20 million recovered in each of the last two fiscal years. We utilize consent decrees and other legal instruments to promote compliance and the cleanup of contaminated sites.

Our Clean Air Act (CAA) 112(r) Program promotes compliance through chemical safety and preparedness training and Risk Management Plan inspections at chemical facilities. The following actions in FY19 support Objective 3.1 “Compliance with the Law.”

Regionwide

- **Chemical Safety Training:** support compliance with Clean Air Act 112 (r), Accidental Release Prevention, by partnering with Ammonia Safety Training Institute (ASTI) to deliver the Ammonia Safety Day training. The Region is also hosting CAA 112(r)-specific on the ammonia refrigeration sector for EPA and partner agency inspectors in December 2018.
- **Risk Management Plan Inspections:** complete 26 Risk Management Plan Inspections in FY19 to support accidental release prevention of contaminants and compliance with Clean Air Act 112(r).
- **National Compliance Initiative:** continue focus on the refrigeration sector and facilities that use anhydrous ammonia.

Ex. 5 DP / Ex. 7(A)

Pacific Islands

Ex. 5 DP / Ex. 7(A)

VI. Improving Efficiency and Effectiveness

The growing complexity and challenge of our Division's work highlights the need to continually improve our efficiency and effectiveness. Development opportunities equip our workforce with the knowledge, skills and training needed for success. Mentoring and networking opportunities facilitate the sharing of best practices that will increase efficiency and effectiveness. Increasing the use of collaborative tools and technology will improve performance and decrease administrative burdens. Streamlining our Freedom of Information Act (FOIA) process, and ensuring our workforce is prepared for a new procurement process are among our improvement initiatives this year. The following actions support Objective 3.4 "Improving Efficiency and Effectiveness" of EPA's Strategic Plan Framework.

Regionwide

- **ELMS Implementation:** The Division will send the Cost Recovery work unit, the Navajo Abandoned Uranium Mine (NAUM) Structures work unit, and the Division Lean Champions to ELMS training in November. The

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work units will apply learned concepts and visual management tools to their work processes. The Division Lean Champions will begin to train others in the Division on these concepts and visual management tools. Superfund Division (SFD) management will strategically apply lean concepts and tools to SFD programs.

- **Tracking and Reporting Program Metrics:** In addition to tracking Annual Commitment System (ACS) measures and progress metrics, the Division will continue to report Strategic and Regional Measures monthly in the Region 9 Bowling Chart. Our strategic measures are the number of Superfund Sites Ready for Anticipated Use and the number of Brownfields Sites Ready for Anticipated Use. Our Regional Measure is the number of Action Memorandums signed to address Lead Contamination.
- **Improving Leadership/Management Team Development:** The Division will implement recommendations from the Supervisor Development assessment from FY18. Activities will include a management teambuilding exercise, organizational awareness development activities, and trainings to develop Strategic Thinking and Prioritization skills in the leadership team.
- **Focus on recruitment of critical program and technical support vacancies:** The Division has critical programmatic vacancies for Remedial Project Managers and On-Scene Coordinators (OSCs). These critical vacancies perform the core functions mandated by CERCLA, and filling these vacancies in FY19 is a top priority. Similarly, the Division will address critical technical support capability upon which the effectiveness of our remedial decisions relies.
- **Remedial Acquisition Framework (RAF):** As the program makes this substantial transition to the RAF for our support contractors, we will facilitate an efficient transition by developing internal communication opportunities for information transfer and sharing “lessons-learned.”
- **Emergency Response and Removal Contracting:** In collaboration with our Environmental Management Division, the Division will revise and implement a streamlined approach for re-procurement of the Superfund Technical and Response Team (START) and Emergency and Rapid Response Services (ERRS) contracts.

Appendix I: FY19 Key Metric

Key Metric	FY19 Targets
Brownfields Properties Assessed	190
Brownfields Properties Cleaned Up	15
Brownfields Ready for Anticipated Use	55
Risk Management Plan Inspections Completed	26
Removals Completed	15
Action Memoranda Addressing Lead Contamination	1
Site assessments completed	55
Human Exposures Under Control Sites	0
Remedial Action Projects Complete	7
Construction Completions	0
Sites with Groundwater Migration Under Control.	0
Superfund Sites Ready for Anticipated Use	2
Decision Documents/Records of Decision	8